

### **REMARKS/ARGUMENTS**

Claims 1 – 10, 13, 14, 17 – 19, 21, 24 – 27, 34, and 42 – 45 are pending. Claims 1, 7 – 10, 13, 14, 17, 18, 26, 27, 34, and 42 – 45 have been withdrawn. Withdrawn claims 1, 13, and 18 are amended. Claim 21 is amended.

Reconsideration and reexamination are respectfully requested in view of the remarks below.

#### ***Claim Rejections - 35 USC § 103***

Claims 2 – 6, 19, 21, 24, and 25 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lazarov et al., United States Patent No. 6,110,204 (“Lazarov”), in view of Shamim et al., *J. Appl. Phys.*, **69**(5) 1 March 1991 (“Shamim”).

Applicants respectfully traverse the Examiner’s rejection. First, the Examiner has made an error in interpreting Shamim’s disclosure. The Examiner is incorrect, Shamim does not “teach implantation of various metallic compounds (including Ti, N, and O). . . .” Shamim teaches implantation of non-metallics (see p. 2905, column 2, lines 15 – 18; p. 2908 last paragraph before acknowledgements). Shamim does not teach the implantation of Ti or its alloys but teaches use of a Ti alloy as a target, which is a substrate into which ions are implanted.

Second, regardless of the Examiner’s misinterpretation of Shamim, the combination fails to teach what has been claimed. Lazarov and Shamim, alone or in combination, fail to teach the tri-region construct as claimed in claims 19 and 21. More specifically, the references fail to teach “first region having Ti or N implanted on a molecular or atomic level at a depth within at least a region of a surface of the stent; a second region over the first region having TiN implanted on a molecular or atomic level at a depth within at least a region of a surface of the stent; and a layer of  $\text{TiN}_x\text{O}_y$  compound over the second region,” as recited by claim 21 and “implanting Ti or N into the surface of the stent on a molecular or atomic level, followed by implanting TiN

over the Ti or N, and followed by forming a layer of a  $\text{TiN}_x\text{O}_y$  compound over at least some of the areas where TiN has been implanted,” as recited by claim 19. The Examiner admitted “Lazarov reference does not disclose the compound [titanium-nitride-oxide ( $\text{TiN}_x\text{O}_y$ )] is implanted on a molecular level within the surface of the stent.” As noted above, Shamim teaches implantation of non-metallics. The Examiner has not explained how the combination of the two references leads one of ordinary skill in the art to the device of claim 21 with the two regions and a layer on top of the second region, or the method of claim 19 which involves the three processing steps. Therefore, claims 19 and 21, as well as claims dependent thereon, are allowable over Lazarov in view of Shamim.

Applicants respectfully request the removal of the rejection under 35 U.S.C. §103(a) of claims 2 – 6, 19, 21, 24 and 25, and allowance of these claims.

**Conclusion**

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance. Applicants respectfully request the allowance of claims 2 – 6, 19, 21, 24, and 25. Applicants reserve the right to file a divisional application for restricted but unelected Species II from the restriction requirement of June 6, 2004.

If necessary to ensure a timely response, this paper should be considered as a petition for an Extension of Time sufficient to provide a timely response. The undersigned authorizes the examiner to charge any fees that may be required, or credit of any overpayment to be made, to **Deposit Account No. 07-1850.**

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

Dated: October 8, 2008  
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